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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,253

10/20/2003

Randall E. Juenger

DC-05519

3858

7590 07/31/2009
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EXAMINER

SPITTLE, MATTHEW D

ART UNIT

PAPER NUMBER

2111

MAIL DATE

DELIVERY MODE

07/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RANDALL E. JUENGER

Application No. 10/689,253
Technology Center 2100

Mailed: July 31, 2009

Before QUITA GOULD *Supervisory Paralegal Specialist*
GOULD, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 11, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER: GROUNDS OF REJECTION TO BE

REVIEWED ON APPEAL

A review of the file finds that the grounds of rejection to be reviewed on appeal of the claims, as provided in the Examiner's Answer, mailed March 17, 2008, under the heading "Grounds of Rejection to be Reviewed on Appeal," is unclear. The grounds of rejection to be reviewed on appeal, as provided in the Examiner's Answer must be consistent with the last Office Action of record, including any Advisory Action responsive to any after-final submissions. Furthermore, the Examiner must provide a clear statement of whether the Examiner agrees or disagrees with the statement of the grounds of rejection to be reviewed, as set forth in the Appeal Brief and an explanation of any disagreement. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 7, July 2008) for details.

A review of the Examiner's Answer finds that it is unclear what the grounds of rejection are for claims 9-22, although the Examiner states that these particular claims are rejected (*see* Final Rejection, mailed September 14, 2007). Specific grounds of rejection for these claims are necessary for clarifying issues on appeal.

Clarification of the record is required for all grounds of rejection to be reviewed on appeal for all claims.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- (1) to vacate the Examiner's Answer, mailed March 17, 2008;

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(2) to generate a new Examiner's Answer setting forth the correct grounds of rejection for claims 9-22 and to correct other sections of the Answer, as may be required; and

(3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/bim

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